



# Federal Register

---

**12-02-02**

**Vol. 67      No. 231**

**Pages 71443-71796**

**Monday**

**Dec. 2, 2002**



The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see <http://www.nara.gov/fedreg>.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at <http://www.access.gpo.gov/nara>. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to [swais.access.gpo.gov](http://swais.access.gpo.gov), or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type [swais](http://swais), then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at [gpoaccess@gpo.gov](mailto:gpoaccess@gpo.gov); by fax at (202) 512-1262; or call (202) 512-1530 or 1-888-293-6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday-Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is \$699, or \$764 for a combined **Federal Register**, **Federal Register Index** and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register Index** and LSA is \$264. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is \$10.00 for each issue, or \$10.00 for each group of pages as actually bound; or \$2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 67 FR 12345.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche 202-512-1800  
Assistance with public subscriptions 202-512-1806

General online information 202-512-1530; 1-888-293-6498

#### Single copies/back copies:

Paper or fiche 202-512-1800  
Assistance with public single copies 1-866-512-1800  
(Toll-Free)

### FEDERAL AGENCIES

#### Subscriptions:

Paper or fiche 202-741-6005  
Assistance with Federal agency subscriptions 202-741-6005

### What's NEW!

#### **Federal Register** Table of Contents via e-mail

Subscribe to FEDREGTOC, to receive the **Federal Register** Table of Contents in your e-mail every day.

If you get the HTML version, you can click directly to any document in the issue.

To subscribe, go to <http://listserv.access.gpo.gov> and select:

*Online mailing list archives*

*FEDREGTOC-L*

*Join or leave the list*

Then follow the instructions.



Printed on recycled paper.

# Contents

## Federal Register

Vol. 67, No. 231

Monday, December 2, 2002

### Agency for International Development

#### NOTICES

Senior Executive Service:

Performance Review Board; membership, 71531

### Agriculture Department

*See* Food and Nutrition Service

*See* Forest Service

### Centers for Medicare & Medicaid Services

#### NOTICES

Agency information collection activities:

Proposed collection; comment request, 71570–71571

Submission for OMB review; comment request, 71571–71572

### Civil Rights Commission

#### NOTICES

Meetings; State advisory committees:

New Jersey, 71532

New York, 71532

Pennsylvania, 71532–71533

Utah, 71533

### Coast Guard

#### RULES

Drawbridge operations:

Iowa and Illinois, 71473

New York, 71474–71475

Wisconsin, 71473–71474

Ports and waterways safety:

Jacksonville and Canaveral ports, FL; security zones, 71475–71477

#### PROPOSED RULES

Drawbridge operations:

New Jersey, 71513

Ports and waterways safety:

Commencement Bay, Tacoma, WA; Olympic View superfund cleanup site; regulated navigation area, 71513–71515

### Commerce Department

*See* International Trade Administration

*See* National Oceanic and Atmospheric Administration

#### NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 71533

### Consumer Product Safety Commission

#### NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 71538–71539

### Customs Service

#### PROPOSED RULES

Air commerce:

Private aircraft programs; General Aviation Telephonic Entry Program establishment and Overflight Program revisions; withdrawn, 71512–71513

Organization and functions; field organization, ports of entry, etc.:

Fargo, ND; port of entry, 71510–71512

#### NOTICES

Customhouse broker license cancellation, suspension, etc.:

Cottingham, Jonathan T., at al., 71614

Leif, Inc., et al., 71614–71615

O'Donnell, William J., et al., 71615

Reports and guidance documents; availability, etc.:

Triennial status report and report fee; due date, 71615

### Education Department

#### RULES

Elementary and secondary education:

Disadvantaged children; academic achievement improvement

Title 1 programs administration, 71709–71771

#### NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 71539

### Energy Department

*See* Federal Energy Regulatory Commission

#### NOTICES

Atomic energy agreements; subsequent arrangements, 71539

Grants and cooperative agreements; availability, etc.:

National Energy Technology Laboratory—Advanced and Key Oilfield Technologies for Independents, 71543–71544

Advanced Fossil Resource Utilization Research Support by Historically Black Colleges and Universities and other Minority Institutions, 71542–71543

Gasification Technologies Fundamental Research, 71544–71545

Regional Carbon Sequestration Partnerships, 71540–71542

Meetings:

International Energy Agency Industry Advisory Board, 71545–71546

### Environmental Protection Agency

#### RULES

Air pollution control:

State operating permits programs—Washington, 71479–71482

#### PROPOSED RULES

Air quality implementation plans; approval and promulgation; various States:

Ohio, 71515–71520

Toxic substances:

Acrylamide and N-methylolacrylamide grouts; ban withdrawn, 71524–71528

Water pollution; effluent guidelines for point source categories:

Concentrated aquatic animal production facilities, 71523–71524

Water supply:

National primary and secondary drinking water regulations—

Chemical and microbiological contaminants; analytical methods approval; Colitag method, 71520–71523

#### NOTICES

Meetings:

Environmental Policy and Technology National Advisory Council, 71548

Microbial and Disinfection Byproducts Advisory Committee, 71548–71549  
National Drinking Water Advisory Council, 71549  
Pesticide programs:  
Endangered Species Act—  
Endangered Species Protection Program; implementation; comment request, 71549–71561  
Superfund; response and remedial actions, proposed settlements, etc.:  
Butternuts Landfill Site, NY, 71561–71562

#### **Executive Office of the President**

See Trade Representative, Office of United States  
See Presidential Documents

#### **Federal Aviation Administration**

##### **RULES**

Airworthiness directives:

Airbus, 71455–71456  
Boeing, 71450–71452  
Dassault, 71452–71455

Class E5 airspace, 71457–71460

Jet routes, 71460–71461

##### **PROPOSED RULES**

Airworthiness directives:

Boeing, 71497–71502  
Bombardier, 71503–71505  
Raytheon, 71505–71507  
Rolls-Royce plc, 71495–71497  
Turbomeca, 71493–71495

Airworthiness standards:

Special conditions—  
Air Tractor Inc., 71490–71493

Class D airspace, 71507–71508

Class E airspace, 71508–71510

##### **NOTICES**

Organization, functions, and authority delegations:

Dispute Resolution for Acquisition Office; relocation, 71607

Passenger facility charges; applications, etc.:

Lebanon, NH, et al., 71607–71609  
Minneapolis-St. Paul International Airport, MN, 71609–71610

#### **Federal Communications Commission**

##### **NOTICES**

Meetings:

2003 World Radiocommunication Conference Advisory Committee, 71562

#### **Federal Deposit Insurance Corporation**

##### **NOTICES**

Meetings; Sunshine Act, 71562

#### **Federal Emergency Management Agency**

##### **RULES**

Flood elevation determinations:

Various States, 71482–71487

##### **NOTICES**

Agency information collection activities:

Submission for OMB review; comment request, 71562–71563

Disaster and emergency areas:

Alaska, 71563–71564  
Ohio, 71564  
Texas, 71564

#### **Federal Energy Regulatory Commission**

##### **NOTICES**

Environmental statements; availability, etc.:

Public Utility District No.1 of Chelan County, WA, 71546  
Hydroelectric applications, 71546–71548

#### **Federal Motor Carrier Safety Administration**

##### **NOTICES**

Motor carrier safety standards:

Driver qualifications—  
Adams, Henry W., et al.; vision requirement exemptions, 71610–71611

#### **Federal Railroad Administration**

##### **NOTICES**

Exemption petitions, etc.:

Canadian National Railway Co., 71611–71612  
Norfolk Southern Corp., 71612–71613

#### **Federal Reserve System**

##### **NOTICES**

Banks and bank holding companies:

Change in bank control, 71564–71565  
Formations, acquisitions, and mergers, 71565  
Meetings; Sunshine Act, 71565–71566

#### **Federal Trade Commission**

##### **NOTICES**

Meetings; Sunshine Act, 71566

Reports and guidance documents; availability, etc.:

Textile corporate leniency policy statement; comment request, 71566–71568

#### **Fish and Wildlife Service**

##### **PROPOSED RULES**

Endangered and threatened species:

Dugong in Palau, 71529–71530

#### **Food and Drug Administration**

##### **RULES**

Food for human consumption:

Food labeling—  
D-tagatose and dental caries; health claims, 71461–71470

Organization, functions, and authority delegations:

Presiding officers at regulatory hearings  
Effective date, 71461

##### **NOTICES**

Agency information collection activities:

Proposed collection; comment request, 71572–71574

Debarment orders:

Charpentier, Laverne M., 71574–71575

Reports and guidance documents; availability, etc.:

Individual product labeling guidances (20); withdrawn, 71575–71576

Insects, rodents, and other pests; filth in food, 71576–71577

Topically applied cosmetic products containing alpha hydroxy acids as ingredients; labeling, 71577–71579

#### **Food and Nutrition Service**

##### **PROPOSED RULES**

Child nutrition programs:

Women, infants, and children; special supplemental nutrition programs —  
Federal financial and participating reporting requirements and information confidentiality, 71773–71791

**Forest Service****NOTICES**

Environmental statements; notice of intent:  
Payette National Forest, ID, 71531–71532

**Health and Human Services Department**

See Centers for Medicare & Medicaid Services

See Food and Drug Administration

See Substance Abuse and Mental Health Services  
Administration

**PROPOSED RULES**

Quarantine, inspection, and licensing:  
Select agents and toxins; possession, use, and transfer;  
meeting, 71528–71529

**NOTICES**

Organization, functions, and authority delegations:  
Public Health Emergency Preparedness, Office of  
Assistant Secretary, et al., 71568–71570

**Housing and Urban Development Department****NOTICES**

Grant and cooperative agreement awards:  
Housing Choice Voucher Program, 71580–71588

**Immigration and Naturalization Service****RULES**

Immigration:  
Mexican and Canadian borders; biometric border crossing  
identification cards and elimination of non-biometric  
BCCs, 71443–71450

**Interior Department**

See Fish and Wildlife Service

See Minerals Management Service

**Internal Revenue Service****NOTICES**

Agency information collection activities:  
Proposed collection; comment request, 71615–71616  
Meetings:  
Taxpayer Advocacy Panels, 71616–71618

**International Trade Administration****NOTICES**

Antidumping:  
Pasta from—  
Italy and Turkey, 71534–71535  
Antidumping and countervailing duties:  
Administrative review requests, 71533–71534  
Export trade certificates of review, 71535–71536

**International Trade Commission****NOTICES**

Import investigations:  
Ball bearings from—  
China, 71588  
Collated roofing nails from—  
China and Taiwan, 71588–71589  
Durum and hard red spring wheat from—  
Canada, 71589  
Gel-filled wrist rests and products containing same,  
71589–71590

**Justice Department**

See Immigration and Naturalization Service

**Labor Department**

See Pension and Welfare Benefits Administration

**NOTICES**

Agency information collection activities:  
Submission for OMB review; comment request, 71590–  
71593

**Library of Congress****RULES**

Copyright Arbitration Royalty Panel rules and procedures:  
DART Royalty Funds; claims filing; alternative methods,  
71477–71479

**Maritime Administration****NOTICES**

Agency information collection activities:  
Proposed collection; comment request, 71613

**Medicare Payment Advisory Commission****NOTICES**

Meetings, 71594

**Minerals Management Service****NOTICES**

Reports and guidance documents; availability, etc.:  
Geographic information and related spatial data, 71588

**National Aeronautics and Space Administration****NOTICES**

Agency information collection activities:  
Proposed collection; comment request, 71595

**National Council on Disability****NOTICES**

Meetings:  
Intertational Watch Advisory Committee, 71595

**National Highway Traffic Safety Administration****NOTICES**

Agency information collection activities:  
Submission for OMB review; comment request, 71613–  
71614

**National Oceanic and Atmospheric Administration****RULES**

Fishery conservation and management:  
Alaska; fisheries of Exclusive Economic Zone—  
Pacific cod, 71489  
Atlantic highly migratory species—  
Atlantic bluefin tuna, 71487–71488  
Northeastern United States fisheries—  
Scup, 71488–71489

**NOTICES**

Damage Assessment and Restoration Program; indirect cost  
rates (2000 and 2001 FYs), 71536–71537  
Meetings:  
Pacific Fishery Management Council, 71537–71538  
Western Pacific Fishery Management Council, 71538

**National Science Foundation****NOTICES**

Agency information collection activities:  
Proposed collection; comment request, 71595–71596

**Nuclear Regulatory Commission****PROPOSED RULES**

Rulemaking petitions:  
Leyse, Robert H., 71490

**NOTICES**

Meetings:  
Nuclear Waste Advisory Committee, 71596

Reactor Safeguards Advisory Committee, 71596–71597

**Office of United States Trade Representative**

See Trade Representative, Office of United States

**Pension and Welfare Benefits Administration****NOTICES**

Agency information collection activities:

Proposed collection; comment request, 71593–71594

**Pension Benefit Guaranty Corporation****RULES**

Single-employer plans:

Allocation of assets—

Valuation of benefits and assets; expected retirement age, 71472–71473

Disclosure to participants; benefits payable in terminated plans, 71470–71472

**Presidential Documents****ADMINISTRATIVE ORDERS**

Transportation; modification of moratorium on certificates or permits for motor carriers of foreign contiguous countries (Memorandum of November 27, 2002), 71793–71796

**Public Health Service**

See Food and Drug Administration

See Substance Abuse and Mental Health Services Administration

**Railroad Retirement Board****NOTICES**

Agency information collection activities:

Proposed collection; comment request, 71597

Submission for OMB review; comment request, 71597

**Securities and Exchange Commission****PROPOSED RULES**

Securities:

Sarbanes-Oxley Act of 2002; implementation—  
Attorneys; professional conduct standards; implementation, 71669–71707

**NOTICES**

Meetings; Sunshine Act, 71599

Self-regulatory organizations; proposed rule changes:

National Association of Securities Dealers, Inc., 71599–71600

*Applications, hearings, determinations, etc.:*

CII Financial, Inc., 71597–71598

Public utility holding company filings, 71598–71599

**Small Business Administration****NOTICES**

Disaster loan areas:

Alaska, 71600

Arkansas et al., 71600–71601

Tennessee, 71601

Texas, 71601

**State Department****NOTICES**

Commercial export licenses; notifications to Congress, 71601–71605

Family support (maintenance) obligations enforcement; declaration of foreign countries as reciprocating countries, 71605–71606

**State Justice Institute****NOTICES**

Reports and guidance documents; availability, etc.:

Grants, cooperative agreements, and contracts, guidelines, 71619–71667

**Substance Abuse and Mental Health Services Administration****NOTICES**

Agency information collection activities:

Proposed collection; comment request, 71579–71580

Meetings:

SAMHSA Special Emphasis Panels, 71580

**Trade Representative, Office of United States****NOTICES**

Organization, functions, and authority delegations:

Executive Branch agencies and departments, 71606

Steel products; Trade Act exclusions

Consideration procedures, 71606–71607

**Transportation Department**

See Coast Guard

See Federal Aviation Administration

See Federal Motor Carrier Safety Administration

See Federal Railroad Administration

See Maritime Administration

See National Highway Traffic Safety Administration

**Treasury Department**

See Customs Service

See Internal Revenue Service

**NOTICES**

Agency information collection activities:

Proposed collection; comment request, 71614

---

**Separate Parts In This Issue****Part II**

State Justice Institute, 71619–71667

**Part III**

Securities and Exchange Commission, 71669–71707

**Part IV**

Education Department, 71709–71771

**Part V**

Agriculture Department, Food and Nutrition Service, 71773–71791

**Part VI**

Executive Office of the President, Presidential Documents, 71793–71796

---

**Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents

LISTSERV electronic mailing list, go to [http://](http://listerv.access.gpo.gov)

[listerv.access.gpo.gov](http://listerv.access.gpo.gov) and select Online mailing list

archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

<b>3 CFR</b>		<b>44 CFR</b>	
<b>Administrative Orders:</b>		65.....	71482
Memorandums:		<b>50 CFR</b>	
Memorandum of		635.....	71487
November 27,		648.....	71488
2002.....	71795	679.....	71489
<b>7 CFR</b>		<b>Proposed Rules:</b>	
<b>Proposed Rules:</b>		17.....	71529
246.....	71774		
<b>8 CFR</b>			
103.....	71443		
212.....	71443		
214.....	71443		
235.....	71443		
264.....	71443		
286.....	71443		
299.....	71443		
<b>10 CFR</b>			
<b>Proposed Rules:</b>			
50.....	71490		
<b>14 CFR</b>			
39 (3 documents) .....	71450,		
	71452, 71455		
71 (6 documents) .....	71457,		
	71458, 71459, 71460		
<b>Proposed Rules:</b>			
23.....	71490		
39 (6 documents) .....	71493,		
	71495, 71497, 71500, 71503,		
	71505		
71 (3 documents) .....	71507,		
	71508, 71509		
<b>17 CFR</b>			
<b>Proposed Rules:</b>			
205.....	71670		
<b>19 CFR</b>			
<b>Proposed Rules:</b>			
101.....	71510		
122 (2 documents) .....	71510,		
	71512		
123.....	71512		
<b>21 CFR</b>			
5.....	71461		
16.....	71461		
101.....	71461		
<b>29 CFR</b>			
4011.....	71470		
4022.....	71470		
4044.....	71472		
<b>33 CFR</b>			
117 (3 documents) .....	71473,		
	71474		
165.....	71475		
<b>Proposed Rules:</b>			
117.....	71513		
165.....	71513		
<b>34 CFR</b>			
200.....	71710		
<b>37 CFR</b>			
259.....	71477		
<b>40 CFR</b>			
70.....	71479		
<b>Proposed Rules:</b>			
52.....	71515		
141.....	71520		
451.....	71523		
764.....	71524		
<b>42 CFR</b>			
<b>Proposed Rules:</b>			
73.....	71528		